

Part 2

Legal Standard

63L-5-201 Protection of land use as religious exercise.

- (1) Except as provided in Subsection (2), a government entity may not impose or implement a land use regulation in a manner that imposes a substantial burden on a person's free exercise of religion.
- (2) A government entity may impose or implement a land use regulation in a manner that imposes a substantial burden on a person's free exercise of religion if the government can establish that the imposition of the burden on that person:
 - (a) is in furtherance of a compelling governmental interest; and
 - (b) is the least restrictive means of furthering that compelling governmental interest.
- (3) A government entity that meets the requirements of Subsection (2) need not separately prove that the remedy and penalty provisions of the land use regulation are the least restrictive means to ensure compliance or to punish the failure to comply.
- (4) This act shall not impair the ability of local government to impose costs and fees reasonably necessary to mitigate the off-site impacts of development.

Renumbered and Amended by Chapter 382, 2008 General Session